

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

VEHICLE IP, LLC, )  
Plaintiffs, )  
v. ) C.A. No. 09-1007-LPS  
AT&T MOBILITY LLC, CELLCO )  
PARTNERSHIP, NETWORKS IN )  
MOTION, INC., TELECOMMUNICATION )  
SYSTEMS INC., TELENAV INC., UNITED )  
PARCEL SERVICE INC., and UPS )  
LOGISTICS TECHNOLOGIES INC., )  
Defendants. )

**ANSWERING BRIEF IN OPPOSITION TO VEHICLE IP, LLC'S MOTION FOR  
SUMMARY JUDGMENT OF NO INVALIDITY UNDER 35 U.S.C. §§ 102 AND 112**

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Dated: July 21, 2016

Plaintiff Vehicle IP, LLC (“VIP”) moved for summary judgment of no invalidity under 35 U.S.C. §§ 102 and 112, (D.I. 369) based on allegedly insufficient expert testimony. In order to narrow the issues for trial and to relieve the Court from adjudicating this motion, Defendants AT&T Mobility LLC (“AT&T”), Cellco Partnership (“Verizon”), Networks In Motion, Inc. (“NIM”), TeleCommunication Systems, Inc. (“TCS”), and Telenav, Inc. (“Telenav”) (collectively, “Defendants”) hereby withdraw their assertion of §§ 102 and 112 affirmative defenses.

As such, Defendants respectfully request that the Court deny VIP’s motion<sup>1</sup> as moot.<sup>2</sup>

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<sup>1</sup> Defendants have reached out to VIP to discuss a proposed stipulation to withdraw these defenses and VIP’s corresponding motion, and the parties are currently discussing such a stipulation.

<sup>2</sup> VIP should not be permitted to raise the denial or grant of this motion at trial before the jury. *Arthrocare Corp. v. Smith & Nephew, Inc.*, No. Civ.A. 01-504-SLR, 2003 WL 1905636, at \*1 (D. Del. Apr. 14, 2003) (excluding reference to withdrawn claims); cf. *ICU Med., Inc. v. RyMed Techs., Inc.*, 752 F. Supp. 2d 486, 490-91 (D. Del. 2010) (excluding reference to previous summary judgment of invalidity).

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